



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

Mayor and City Council Regular Session Minutes City Hall - Council Chambers Monday, May 6, 2013

A Mayor and City Council Regular Session was called to order with Mayor Katz presiding. Council Members present: Jud Ashman, Cathy C. Drzyzgula, Henry F. Marraffa, Michael A. Sesma, and Ryan Spiegel. Staff present: City Manager Tomasello, City Attorney Board, Economic Development Director Lonergan, Director of Public Works Arnoult, Director of Planning and Code Administration Schlichting, Director of Community and Public Relations Monaco, Director of Information Technology Cottrell, Lead Long Range Planning Robinson, Community Planning Director Schwarz and Parks, Recreation and Culture Director Potter, Planner Bowling, Planning Director Pruss, Community Services Division Chief Herndon and Program Coordinator Srinivasachar and Municipal Clerk Stokes.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

The Pledge was led by Haley Bohrer.

III. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

IV. APPROVAL OF MINUTES

A. Work Session Held April 8, 2013

Motion was made by Jud Ashman, seconded by Henry F. Marraffa, that minutes of the Work Session held April 8, 2013, be approved.

Vote: 5-0

B. Work Session Held April 22, 2013

Motion was made by Michael A. Sesma, seconded by Ryan Spiegel, that minutes of the Work Session held April 22, 2013, be approved.

Vote: 4-0-1 (Abstained: Drzyzgula)

C. **Park Tour Held April 26, 2013**

Motion was made by Henry F. Marraffa, seconded by Ryan Spiegel, that minutes of the Park Tour held April 26, 2013, be approved.

Vote: 3-0-2 (Abstained: Ashman and Drzyzgula)

D. **Budget Work Session Held April 29, 2013**

Motion was made by Cathy C. Drzyzgula, seconded by Michael A. Sesma, that minutes of the Budget Work Session held April 29, 2013, be approved.

Vote: 5-0

V. **APPOINTMENTS**

A. **Resolution of the City Council Confirming an Appointment by the Mayor to the Ethics Commission**

This resolution confirmed the following appointment to the Ethics Commission: Sigrid McCutcheon (Alternate), 142 Lake Street, Gaithersburg, Maryland 20878, three-year term.

Motion was made by Jud Ashman, seconded by Ryan Spiegel, that a Resolution of the City Council Confirming an Appointment by the Mayor to the Ethics Commission (Resolution No. R-34-13), be approved.

Vote: 5-0

VI. **OATH OF OFFICE**

A. **Oath of Office to Ethics Commission Member**

Mayor Katz administered the oath of office to Sigrid McCutcheon to fill the office of Ethics Commission as Alternate.

B. **Oath of Office to Commission of Landlord-Tenant Affairs Member**

Mayor Katz administered the oath of office to David Weber to execute the office of Commission on Landlord-Tenant Affairs as Alternate. Mr. Weber was reappointed to the Commission on April 15, 2013.

C. **Oath of Office to Police Officer**

Mayor Katz was joined by Police Chief Sroka to administer the oath of office to Robert J. Scire to perform the duties of the Office of Police Officer in and for the City of Gaithersburg and State of Maryland.

VII. PRESENTATIONS**A. Presentation of the City of Gaithersburg 2013 Junior Mayor contest winner in conjunction with the Maryland Municipal League's "If I Were Mayor" Essay Contest.**

Jacob Levine from Ms. Dara Tokarz's 4th Grade class at Diamond Elementary School read his winning essay from the City's local essay contest. Jacob was officially introduced at the State of the City event on April 11. The essay will be published on the City's website. Fourth graders in the City of Gaithersburg were encouraged to share what they would do if they were Mayor in a statewide essay contest sponsored by the Maryland Municipal League in partnership with the Maryland Mayors' Association, Injured Workers' Insurance Fund and Local Government Insurance Trust. The theme for this year's contest was "Vision for the Future." Students from Gaithersburg area schools submitted 195 essays to the statewide contest. The Educational Enrichment Committee reviewed 166 essays from area school students for the local essay contest.

B. Presentation of GREAT Award to Diamond Elementary School

Members of the Educational Enrichment Committee joined the Mayor to present the GREAT award to Diamond Elementary School for their Student Government and PTA sponsored activities. Accepting the award were Student Government President Neil Kundagrami, Vice President Jonah Schwart, Secretary Christopher Yue, Treasurer Hailey Carino, Counselor Robyn Strauss, and Principal Carol Lange. GREAT stands for "Gaithersburg Recognizing Educational Achievement Today" and it promotes and celebrates higher achievement and successes in Gaithersburg area schools.

C. Presentation of the 2013 W. Edward Bohrer, Jr. Memorial CHARACTER COUNTS! Scholarship Winners

Mayor Katz was joined by Sharon Bohrer and granddaughter Haley Bohrer to present the Character Counts! Scholarship Awards to high school recipients. This year marks the 16th Annual W. Edward Bohrer, Jr. Memorial CHARACTER COUNTS! Scholarship Awards. These scholarships are intended for students who embody the Six Pillars of CHARACTER COUNTS: trustworthiness, respect, responsibility, fairness, caring, and citizenship. Recipients must be high school seniors who will be pursuing post high school education and are residents of the City of Gaithersburg. The City recognized the sponsors contributing to the scholarships: DRS Signal Solutions, Inc., The W. Edward Bohrer, Jr. Memorial CHARACTER COUNTS! Scholarship Fund, Rodgers Consulting, Inc. and the Covenant Life Church. This year's recipients were: Elizabeth Garcia, Gaithersburg High School, Roshan Hapuarachchi, Watkins Mill High School, Maria Larraga, Gaithersburg High School, Marlon Morales, Gaithersburg High School, Channing Kimble-Brown, Richard Montgomery High School, Arnelle Ky, Watkins Mill High School, Emily Maxwell, Quince Orchard High School, David Woodward, Covenant Life School, Jhenncy Centeno, Gaithersburg High School, and Ama Owusu, Gaithersburg High School.

D. **Proclamation of the Mayor and City Council Designating May 18, 2013 as "National Kids to Parks Day" in the City of Gaithersburg**

Mayor Katz was joined by Parks, Recreation and Culture Director Potter to issue a proclamation designating May 18, 2013 as "National Kids to Parks Day" to signify the efforts to encourage children, teens and their families to visit America's parks. The City is participating in this special day and has registered events such as the Gaithersburg Book Festival on the kidstoparks.org website under the State of Maryland.

E. **Proclamation of the Mayor and City Council Designating May 2013 as "Historic Preservation Month" in the City of Gaithersburg.**

The theme for National Historic Preservation Month 2013 is: "See! Save! Celebrate!" National Historic Preservation Month is co-sponsored by the City of Gaithersburg and the National Trust for Historic Preservation. Chris Kirtz, Chair of the City's Historic District Commission was joined by Vice-Chair John Roddy to accept the proclamation issued by Mayor Katz.

F. **Presentation on Terms of a Proposed 4th Amendment to Annexation Agreement (X-161) for Baywood Hotels of Monument Office Park**

City Attorney Board presented the amendments to Annexation Agreement X-161 for the Baywood Hotels of Monument Office Park. Under the existing terms of the agreement, the owner is obligated to pay to the City Four Hundred Dollars (\$400,000) at the time of the occupancy permit. Baywood is proposing to pay One Hundred Thousand Dollars (\$100,000) prior to the issuance of the occupancy permit for the Hotel and on or before the 120th day period Ten Thousand Dollars (\$10,000) paid every month until paid in full.

An amendment to the annexation agreement is a contractual negotiation between the parties and does not require a formal public hearing. Staff will follow-up with a resolution on the Mayor and City Council May 20th meeting agenda authorizing the City Manager to negotiate and execute the amendments to the agreement. It was noted that the amendments require Baywood to secure a bond guaranteeing payment.

VIII. PUBLIC COMMENTS

1. Juan Jose Torreblanca - CC! Scholarship winner in 2006 stated he was able to graduate college and then start a company with his brother. Stated he would not have been able to accomplish what he has without the scholarship and thanked the Mayor and City Council and sponsors.
2. Debra Liverpool introduced herself as the new Director of Philanthropy at Family Services, Inc. and thanked the City for investing in the community. Their mission is to foster strong and healthy individuals and families through innovative education, behavioral health, child development, and social services that address the needs in the home, school, and the community.

IX. FROM THE MAYOR AND CITY COUNCIL**Michael Sesma**

1. Thanked and congratulated those recognized earlier during the meeting.
2. Mentioned the 5th Annual Kentlands Day Celebration, thanked staff and the Kentlands Citizens Assembly and the Kentlands Community Foundation for a great event.
3. Participated on a tour with several colleagues and staff to visit proposed sites for future parks.
4. Attended the Women Who Care Ministries Banquet and accepted an award on behalf of the City and thanked the organization for their partnership.

A. Announcements

- a. After Closed Executive Session Notice
- b. Executive Session Announcement / Motion
- c. Upcoming Work Session
- d. Upcoming Events and Activities - May 2013

Cathy Drzyzgula

1. Attended several opening and dedication ceremonies for Adventist Hospital headquarters, Hidden Creek Apartment Public Arts, Language Stars, SPAGnVOLA, Kentlands Day, and the NAACP Freedom Fund Dinner.
2. Announced that one of the upcoming work session topics will be the report and recommendations from the Constitution Gardens Ad Hoc Improvement Committee on the Constitution Gardens Park. Encouraged citizens to attend and provide feedback.
3. Announced activities and events scheduled for the month of May.

Henry Marraffa

1. Congratulated Diamond Elementary School and Jacob Levine on their award and recognition.
2. Interviewed with the National League of Cities surveying various members on improving and going forth.
3. Attended the Active Aging Expo and thanked the many sponsors that contributed to the activities.
4. Announced that a closed Executive Session was held April 15, 2013 at 9:55 p.m. at City Hall pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(7) and Section 10-508(a)(1)(i) to discuss amendments to development and annexation agreements and the process for the City Attorney's annual performance evaluation. The session was adjourned at 10:35 p.m.
5. Reported on the loss of Joan Stapleton, active member of the community.

Ryan Spiegel

1. Recognized the award recipients and other young leaders in attendance and commented on the incredible resource in our children.
2. Saluted staff, partners and the many volunteers for their success for the

- Housing Fair and Paws in the Park events.
3. Wished all the Mothers a happy day.

Jud Ashman

1. Reported that he had an opportunity to meet and speak with members of Liberty's Promise, an organization that supports young immigrants in need while encouraging them to be active and conscientious American citizens.
2. Mentioned his step mother's birthday and her gift to a housing community, raising money for a park in Montgomery County. He and his family had the opportunity to work with the Montgomery Housing Partnership.
3. Announced the Gaithersburg Book Festival scheduled for Saturday, May 18th, 10 a.m. to 6 p.m. on the grounds of City Hall in Olde Towne. Mentioned 98.7 will air an interview. Encouraged citizens to volunteer and invite families and friends to come out. Diverse culture of authors and speakers participating.

Mayor Katz

1. Requested the following:

Motion was made by Michael A. Sesma, seconded by, Cathy C. Drzyzgula, to conduct a closed session on Monday, May 6, 2013 at City Hall, pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. The topic to be discussed is the Y Site, the establishment and/or expansion of a local business.

Vote: 5-0

2. Work Session scheduled for Monday, May 13, 2013, to receive a presentation from the Montgomery County Department of Transportation Regarding M-83 MidCounty Corridor Study and a report and recommendations for Constitution Gardens Park.
3. Next Regular Session scheduled for Monday, May 20, 2013.

X. FROM THE CITY MANAGER

1. Closed on the Kentlands Firehouse and new owner undertaking complete renovation of the structure into their home. Thanked City Attorney Board for her efforts.
2. Mentioned the Housing Fair and Financing Counseling event stating that over 30 checking accounts were opened and over 100 credit reports pulled. This project is under the leadership of Maureen Herndon.
3. Reported on a State legislative study for telephone and cable franchises agreement, initiative to standardize. Monica Sanchez has been assigned to follow and report back.
4. Announced that Maryland Transit Authority (MTA) contacted the City regarding eliminating service to Fort Meade. MTA will hold three public hearings, one at Bohrer Park. Information will be placed on the City's

website

5. Reported that the State Highway Administration has agreed to place signage on at the West Diamond Park and Ride Lot prohibiting some commercial and RV parking. Unattended trucks will be prohibited, fined and possibly towed. Gaithersburg Police will enforce the lot. Improvements to the lot will be made by SHA.

XI. ECONOMIC DEVELOPMENT UPDATE

1. Attended the Maryland Economic Development Association Annual Spring Conference in Cambridge. The main topic of discussion was aging infrastructure in the State.
2. Announced that Star Diner has sponsored a summer concert series for the past ten years and is seeking financial support from the City to offset the costs, which can exceed Twenty-Five Thousand Dollars (\$25,000) per season. Staff has recommended a matching grant not to exceed Seven Thousand Dollars(\$7,000). Council Member Ashman asked staff to explore extending the hours when bands are able to play and provide an update.
3. Will be attending the International Council of Shopping Centers RECON show in Las Vegas on May 18th.

XII. ORDINANCES / RESOLUTIONS / REGULATIONS

A. Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Enter Into a Contract for the Implementation of a Website Design in a Sitecore Content Management System

Director of Public Information Monaco and Information Technology Director Cottrell presented the above stating that the existing website will be replaced, existing data and information will be maintained, and that funds are available. The conversion should be completed in the first quarter of calendar year 2014. This resolution authorized the City Manager to negotiate and enter into a contract with NavigationArts, LLC, 7901 Jones Branch Drive, Suite 400, McLean, Virginia 22102, for services needed to implement a website design in a Sitecore Content Management System, in the amount not to exceed Two Hundred Twenty-Five Thousand Dollars (\$225,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Ryan Spiegel, seconded by Jud Ashman, that a Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Enter Into a Contract for the Implementation of a Website Design in a Sitecore Content Management System (Resolution No. R-35-13), be approved.

Vote: 5-0

XIII. POLICY DISCUSSION**A. CTAM-1904-2013 Proposed Text Amendments Amending the Requirements for Electronic Signs, Daycare Uses, Public Hearing Process and Notification Procedures, and housekeeping Amendments**

Council Member Drzyzgula recused herself from the discussion. Planning Director Pruss presented the amendments to the zoning ordinance which is in keeping with the City's Strategic Plan for economic development and in an effort to implement the mast plan and improve transparency in the public hearing process. In addition, staff proposed a number of housekeeping amendments. The joint public hearing was conducted on March 4, 2013. The Planning Commission recommended approval at their April 3, 2013 meeting. The Mayor and City Council's record closed at 5 p.m. on April 11, 2013.

Motion was made by Jud Ashman, seconded by Ryan Spiegel, that the above ordinance for CTAM-1904-2013 Proposed Text Amendments Amending the Requirements for Electronic Signs, Daycare Uses, Public Hearing Process and Notification Procedures, and housekeeping Amendments (Ordinance No. O-3-13), be adopted.

Vote: 4-0 (Recused: Drzyzgula)

B. An Ordinance to Amend Chapter 6C of the City Code Entitled "Elections," Article I "In General," Section 1 Entitled "Definitions" and Article II Entitled "Financial Contributions and Expenditures," Section 5 Entitled "Time and Manner of Reporting – Candidates", Section 6 Entitled "Reporting of Contributions and Expenditures – Political Committees", and Section 7 Entitled "Time and Manner of Reporting – Political Committees"

City Attorney Board presented the amendments to the above ordinance. The Mayor and City Council held a public hearing on March 18, 2013. The amendments were discussed by the Board of Supervisors of Elections during their meetings on January 16 and February 21, 2013 and recommended Option 1 for adoption. Staff prepared four options for the Mayor and City Council consideration.

Council Member Marraffa expressed opposition to the slate and pack definitions. Asked that the current law be made clearer with better definitions.

Council Member Ashman stated that the current political definition can be confusing, but asked that the guidelines be made clearer. Believe that disclosure of funding should be reported for accountability. In favor of Option 4 and supported the 5th campaign report.

Council Member Spiegel is in favor of Option 4 and 5th campaign report. Agreed that the source of funding should be disclosed. Questioned the definition of slate.

Council Member Drzyzgula expressed opposition to proposed slates. Suggested modifying forms for reporting information about expenses and not sure if the 5th reporting would solve the problem due to filing dates. Suggested amended language for filing a complaint. City Attorney Board reported that staff is working with the vendor on the electronic filing system and make modifications

Council Vice President Sesma agreed with Option 4. Transparency is important and less confusing. Asked that the amendments not cause a burden on candidates.

Mayor Katz agreed with the 5th campaign financing, but questioned reporting the support a candidate and the enforcement.

Motion was made by Michael A. Sesma, seconded by Jud Ashman, that An Ordinance to Amend Chapter 6C of the City Code Entitled "Elections," Article I "In General," Section 1 Entitled "Definitions" and Article II Entitled "Financial Contributions and Expenditures," Section 5 Entitled "Time and Manner of Reporting – Candidates", Section 6 Entitled "Reporting of Contributions and Expenditures – Political Committees", and Section 7 Entitled "Time and Manner of Reporting – Political Committees" - Option 4 (Ordinance No. O-4-13), be adopted.

Vote: 4-0-1 (Abstained: Marraffa)

XIV. STAFF GUIDANCE

A. Opportunity Grant Fund Application

Community Services Director Herndon presented the Community Advisory Committee recommendation for possible funding to Family Services, Inc., for various services in the amount of Two-Thousand Seven Hundred Twenty Dollars (\$2,720).

Council Member Drzyzgula requested a report at the end of the fiscal year as to how many applications were received.

Motion was made by Jud Ashman, seconded by Cathy C. Drzyzgula, that the recommended Opportunity Grant Fund Application, be approved.

Vote: 5-0

XV. FROM THE CITY ATTORNEY / OTHER STAFF

City Attorney Board

1. Provided an update from the Board Of Supervisors of Elections last meeting held on May 2, 2013. The Board made a decision to use paper poll books for the 2013 elections due to expense and staff time. In addition, amendments were discussed and it was decided not to make additional changes for early voter registration.
2. The Second Amendment Foundation sent a letter in regards to the City's Right to Carry Ordinance, Section 15(A)(9). Staff conducted preliminary research on this matter and it was in City Attorney Board's opinion that the City Code provision should be grandfathered under the States statue. The ordinance is being discussed with City Police Chief Sroka and will be brought back before the Mayor and City Council during an upcoming work session.

XVI. CORRESPONDENCE

- A. **From Staff**
- B. **From Outside**

XVII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at approximately 9:20 p.m.

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